

I. INTRODUCTION

The mission of the Idaho Transportation Department (ITD) is “to provide high quality, cost-effective transportation systems that are safe, reliable, and responsive for the economical and efficient movement of people and products.” Over 1800 departmental employees make up six divisions and three support offices. The six divisions are: Aeronautics, Highways, Motor Vehicles, Transportation Planning, Administrative Services, and Public Transportation. The three support offices are: Budget, Policy, and Intergovernmental Relations, Internal Review, and Public Affairs.

As a recipient of federal financial assistance, ITD is required to comply with various non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 which provides:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried out under this title.”

The Federal-Aid Highway Transportation Act of 1973 added **sex** to the list of prohibitive factors. **Disability** was added through Section 504 of the Rehabilitation Act of 1973. **Age** was subsequently added in 1975 under the Age Discrimination Act.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the term “programs or activities” **to include all programs or activities of federal-aid recipients, subrecipients, and contractors, whether or not such programs and activities are federally-assisted.**

Title VI was further defined in 1994. Executive Order 12898 - Environmental Justice (EJ), directed federal agencies **to identify and address the effects of all programs, policies, and activities on “minority populations and low-income populations.”** In 2000, Executive Order 13166 - Limited English Proficiency (LEP), was also signed into effect requiring federal agencies to **assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of federal financial assistance.**

Discrimination under Title VI

There are basically two types of discrimination that are prohibited under Title VI and its related statutes. One type is **intentional discrimination** or disparate treatment. An intent claim alleges that similarly situated persons are intentionally treated differently because of their race, color, national origin, gender, disability, or age.

The second type of discrimination is **disparate impact** or disparate effects. This type of discrimination occurs when a neutral procedure or practice results in fewer services or benefits, or inferior services or benefits, to members of a protected group such as minorities or low-income populations. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than on the intent.

Under Title VI, the department’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints,

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allocation of funds, prioritization of projects, and the functions of planning, project development, right-of-way, construction, and research.

ITD has developed this Title VI plan to help assure that all services, programs, and activities of the department are offered, conducted, and administered fairly, without regard to race, color, national origin, gender, age, disability, economic status or Limited English Proficiency of the participants or beneficiaries.

The Equal Employment Opportunity (EEO) Office develops and oversees ITD's Title VI plan and program compliance with the plan, which is effective upon review and approval by the Federal Highway Administration (FHWA).

Title VI Plan Objectives

The primary objectives of ITD's Title VI plan are:

- To assign and clarify roles, responsibilities, and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives.
- To assure that all people affected by ITD's federal-aid programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, gender, disability, economic status or Limited English Proficiency.
- To help prevent discrimination and ensure nondiscrimination in all ITD programs and activities, whether those programs and activities are federally-funded or not.
- To establish procedures for identifying and eliminating discrimination when found to exist.
- To establish procedures to annually review specific program areas within ITD to determine the effectiveness of the area's activities at all levels.
- To set forth procedures for the filing and processing of complaints by persons who believe they have been subjected to discrimination under Title VI in any ITD service, program, or activity.

Plan Dissemination

Internal

The FHWA-approved Title VI plan will be disseminated as follows:

The Director, Deputy Director, Division Administrators, District Engineers, Section Managers, Program Area Coordinators and District EEO/Safety and Training Coordinators shall receive a copy of the plan. The plan will be posted on ITD's EEO intranet website and hard copies will be available upon request to the EEO Office.

External

Copies of ITD's, FHWA-approved Title VI plan are available to the public and interested groups and organizations upon request to the EEO Office. The Title VI plan will also be distributed to the following locations outside of ITD:

- The Governor's Office
- Idaho Association of General Contractors
- Idaho Association for Affirmative Action
- Idaho Human Rights Commission
- Idaho Migrant Council
- United Women of Idaho
- Hispanic Business Association
- Tribal Employment Rights Offices
- Idaho College/University Recruiting Offices
- Division of Human Resources
- Idaho Metropolitan Planning Organizations
- Local Highway Technical Assistance Council

Authorities

ITD's Title VI plan was developed pursuant to the following authorities:

- Title VI of the Civil Rights Act of 1964
- 42 USC 2000d to 2000d-7
- 49 CFR 21
- DOT Order 1050.2
- 42 USC 4601 to 4655
- Title VIII of the Civil Rights Act of 1968, amended 1974
- 23 USC 109(h)
- 23 USC 324
- Federal-Aid Highway Transportation Act
- 23 CFR 200
- E.O. 12250
- E.O. 12898
- E.O. 13166

II. TITLE VI POLICY STATEMENT

The Idaho Transportation Department (ITD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. ITD assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ITD service, program, or activity. The department also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

David S. Ekern
Director

Date

Susan K. Simmons, Division Administrator
Division of Administration

Date

Robert J. Martin, Division Administrator
Division of Aeronautics

Date

Jimmy D. Ross, Division Administrator
Division of Highways

Date

Morris W. Detmar, Division Administrator
Division of Motor Vehicles

Date

Laurence H. Falkner, Division Administrator
Division of Public Transportation

Date

Charles M. Rountree, Division Administrator
Division of Transportation Planning

Date

III. ORGANIZATION AND COMPLIANCE RESPONSIBILITIES

Overview

The EEO Office has been established in accordance with federal guidelines and oversees the department's Title VI plan and compliance therewith. Formerly the Bureau of Civil Rights, organizational changes in 2001 resulted in the name change to the Office of Civil Rights, with placement under ITD's Division of Administrative Services. In 2003, with the advent of a new ITD Director, the name was changed to the EEO Office. The EEO Manager reports to the Administrative Services Division Administrator, who in turn reports to the Director.

The internal EEO programs are the responsibility of the Equal Employment Opportunity Officer (EEO Officer)/Title VI Coordinator (hereafter referred to as "EEO Officer") under the guidance of the EEO Manager. The EEO Contract Compliance Officer (CCO) monitors the external EEO programs. Each of the designated program areas within ITD has a Title VI Program Area Coordinator (PAC).

Unless otherwise indicated, the positions with implementation responsibility listed below are classified, full-time.

Organization

Director – The Director is the head of ITD as a state transportation agency and is responsible to the Governor and the Idaho Legislature for ensuring implementation of the department's Title VI plan. The Director provides leadership, guidance, direction, and support for ITD's Title VI programs.

Administrative Services Division Administrator – The Division Administrator is responsible for overseeing, guiding, and directing ITD's Title VI programs, policies, and practices.

Equal Employment Opportunity Manager – The EEO Manager is responsible for supervising, reviewing, monitoring, and evaluating the effectiveness of the internal and external EEO programs. The EEO Manager is also responsible for the daily operation of the EEO Office and acts as a liaison between ITD and federal and state officials regarding EEO issues.

Equal Employment Opportunity Officer – The EEO Officer is responsible for developing, implementing, and coordinating the Title VI program plan to ensure ITD's compliance with Title VI and Title VI-related regulations. The EEO Officer's primary responsibilities with regard to Title VI include the following:

ORGANIZATION AND COMPLIANCE RESPONSIBILITIES

Equal Employment Opportunity Officer, continued

- Monitor department programs, policies, and activities for Title VI compliance, whether the program is federally-funded or not;
- Develop procedures for Title VI compliance reviews of program areas (planning, project development, right-of-way, construction, research) to determine the program area's effectiveness at all activity levels;
- Conduct annual Title VI reviews of the community Metropolitan Planning Organizations in the state to ensure compliance;
- Coordinate with each Title VI Program Area Coordinator (PAC) to gather statistical data (race, color, gender, national origin, disability and economic status) of participants and beneficiaries of state transportation programs;
- Promptly investigate and report on all Title VI complaints of discrimination;
- Prepare annual assurances for FHWA of Title VI activities and accomplishments;
- Facilitate training and/or dissemination of information to PACs and other ITD officials on the provisions and requirements of Title VI and related statutes and directives, including E.O. 12898 (Environmental Justice) and E.O. 13166 (Limited English Proficiency);
- Review and comment on proposed changes to any ITD operating procedures, policies and manuals that relate to Title VI.

Equal Employment Opportunity Specialist (EEO Specialist) – The EEO Specialist assists the EEO Officer in coordinating, developing, implementing, and monitoring the Title VI plan and programs. This is a part-time position.

EEO Contract Compliance Officer – The CCO is responsible for the external EEO programs which include: EEO Contract Compliance, Disadvantaged Business Enterprises and Training Special Provisions. Responsibilities include reviewing and monitoring all external highway construction project Title VI activities, preparing and submitting EEO/contract compliance review documents and annual assessment updates to FHWA, internal and external training on Civil Rights Special Provisions, and advising the department in the area of Tribal Employment Rights.

Program Area Coordinator – Each of the Title VI program areas has a designated liaison responsible for communicating and coordinating with the EEO Officer or EEO Specialist in all activities impacted by Title VI, E.O. 12898, and E.O. 13166. The Program Area Coordinator (PAC) is responsible for monitoring procedures and

ORGANIZATION AND COMPLIANCE RESPONSIBILITIES

Program Area Coordinator, continued

practices within his or her respective area(s) of authority to ensure the area's procedures and practices are applied fairly, equitably, and in a nondiscriminatory manner in accordance with Title VI, E.O. 12898, and E.O. 13166. The PAC will provide program activity information to the EEO Officer or EEO Specialist upon request.

Managers and Supervisors – Managers and supervisors are responsible for familiarizing themselves with the requirements of Title VI, E.O. 12898, and E.O. 13166, and for complying with the department's Title VI Program. They are responsible for ensuring that issues or complaints regarding Title VI and related statutes are promptly reported to the EEO Office. They are responsible for assisting the Title VI Program Area Coordinators in their efforts to implement all requirements, internally and externally, and in coordinating with the EEO Office any proposed changes to ITD operating procedures, instructional memoranda, policies, manuals, etc. that relate to Title VI.

District Equal Employment Opportunity/Safety & Training Coordinators (EST)

Each of the six ITD districts has one EST Coordinator that assists the EEO Officer and the CCO in communicating the requirements of Title VI to the appropriate individuals in their respective districts. Each Coordinator provides guidance to the district on Title VI compliance issues, provides an avenue for Title VI complaints to be referred to the EEO Office, and assists in assuring that Title VI programs, services, and activities are administered fairly and without regard to protected factors. They also assist the CCO in reviewing and monitoring all external highway construction field activities relating to Title VI and act as a liaison to the tribal representatives as needed.

IV. PROGRAM AREA MONITORING AND REVIEW PROCESS

Planning

The Program Area Coordinator (PAC) for the Division of Transportation Planning has the primary responsibility for assuring that multi-modal planning and the results of that planning are executed in accordance with Title VI. This process requires consideration of all possible social, economic, and environmental effects of a proposed plan or program on identified groups in order to avoid inappropriately biased programs. The PAC also monitors the transportation planning activities of the various Metropolitan Planning Organizations to ensure consistency with Title VI compliance requirements.

Compliance Monitoring - PAC

- Monitor the overall strategies and goals of the transportation planning process to ensure Title VI compliance; Monitor the utilization of demographic information to identify minority and low-income populations and examine the distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor the service equities of the planning data collection and analysis for impacts on different socio-economic groups;
- Monitor the public involvement processes to improve performance and reduce participation barriers for minority and low-income populations;
- Monitor Environmental Justice (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Monitor compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of transportation planning processes for those in the population confronted with language barriers;
- Monitor efforts made to ensure that female and minority-owned firms have an equal opportunity to compete for consultant planning agreements;
- Monitor transportation planning accomplishments and problem areas.

Annual Reviewing - EEO Officer/EEO Specialist

The following items in the Division of Transportation Planning will be reviewed and reported to FHWA annually in the Title VI Assurances Update:

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Whether a demographic profile of the state that includes identification of minority and low-income populations has been developed;
- Whether a process has been developed to identify the needs of minority and low-income populations and whether demographic information has been used to assess the distribution of benefits across these groups;

PROGRAM AREA MONITORING AND REVIEW PROCESS

Planning, continued

- Whether there is an analytical process in place to assess the benefits/burdens of transportation system investments on minority and low-income populations, and what data source and tools are used to support such an analysis;
- Whether there is a public involvement strategy for engaging minority and low-income populations in transportation decision-making and reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected groups are considered in the decision-making process;
- Composition of the Division of Transportation Planning workforce and internships by position title, race and gender;
- Number of consultant planning agreements awarded and the dollar value; Number of female and minority-owned firms with dollar value;
- Methods used to encourage the use of female and minority planning consultants and subconsultants;
- Amount of federal money passed to individual MPOs through ITD for transportation planning;
- Number of public information meetings/open houses that were held; Percentage of female and minority participation;
- Efforts made to take Environmental Justice concerns into consideration in the transportation planning process;
- Status of any Title VI complaints received regarding transportation planning or the public involvement process;

PROGRAM AREA MONITORING AND REVIEW PROCESS

Planning, continued

- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

PROGRAM AREA MONITORING AND REVIEW PROCESS

Project Development

The project development phase occurs between planning and construction where project impacts are more specifically defined, final location selected, and final design prepared. Project development encompasses both the Environmental and Design sections as follows:

Environmental

The Program Area Coordinator (PAC) for the Environmental section has the primary responsibility for assuring that the determination of environmental effects and any resulting impacts and mitigative measures are executed in accordance with Title VI. This process requires consideration of all possible social, economic, and environmental (SEE) effects of a proposed project on identified groups in order to identify potential Title VI issues, meet the intended transportation needs and goals of a community, and provide for protection and enhancement of the environment.

Compliance Monitoring - PAC

- Monitor the public involvement processes to improve effectiveness and reduce participation barriers for minority and low-income populations throughout the environmental effects determination;
- Monitor procedures for the identification of SEE environmental impacts through use of the Environmental Evaluation checklist (ITD-654);
- Identification of mitigative measures when there is the potential for disproportionate or discriminatory impacts on minority or low-income populations;
- Monitor compliance with Environmental Justice (E.O. 12898) through use of environmental studies to identify and locate minority and low-income populations that may be impacted by transportation programs and activities;
- Monitor compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of transportation programs and activities for those in the population confronted with language barriers;
- Where consultant agreements regarding environmental issues are utilized for location studies, ensure that female and minority-owned consulting firms are afforded equal opportunity to participate in such agreements;
- Monitor environmental accomplishments and problem areas.

PROGRAM AREA MONITORING AND REVIEW PROCESS

Environmental (Project Development), continued

Annual Reviewing - EEO Officer/EEO Specialist

The following items in the Environmental area will be reviewed and reported to FHWA annually in the Title VI Assurances Update:

- Public involvement strategies for engaging minority and low-income populations in transportation decision-making and for reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether efforts were made to improve performance, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort, and public outreach efforts to reach media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected individuals and groups are appropriately considered in the decision-making process;
- Composition of the Environmental section workforce by position title, race and gender;
- Number and type of environmental actions completed;
- Summary of any Environmental Assessments or Environmental Impact Statements where minority and low-income populations were disproportionately impacted and any mitigative measures taken as a result;
- Number of consulting agreements involving environmental studies and the dollar value as well as the number of female and minority-owned firms and the dollar value;
- Efforts made to ensure an equal opportunity for participation of female and minority-owned consulting firms in the selection process;
- Number of public hearings/information meetings that were held concerning the location of a project; Percentage of female and minority participation;
- Efforts made to take Environmental Justice concerns into consideration in the environmental process;
- Status of any Title VI complaints received involving environmental project impacts or the public involvement process;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

PROGRAM AREA MONITORING AND REVIEW PROCESS

Design (Project Development)

The Program Area Coordinator (PAC) for the Design section has the primary responsibility for assuring that all aspects of the design phase and the resulting final design are executed in accordance with Title VI. The process includes consultant selection, preliminary design work, development of alternatives, final design, and the solicitation of bids and proposals.

Compliance Monitoring - PAC

- Monitor the public involvement processes to improve effectiveness and reduce participation barriers for minority and low-income populations throughout the design phase;
- Ensure that all consultant/subconsultant agreements and construction contracts have the appropriate Title VI contract provisions;
- Ensure equal opportunity for female and minority-owned consulting firms to participate in consultant design agreements;
- Monitor design accomplishments and problem areas.

Annual Reviewing - EEO Officer/EEO Specialist

The following items in the Design area will be reviewed and reported to FHWA annually in the Title VI Assurances Update:

- Public involvement strategies for engaging minority and low-income populations in transportation decision-making and for reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether efforts are made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort, and public outreach efforts utilizing media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected individuals and groups are appropriately considered in the decision-making process;
- Composition of the Design section workforce by position title, race and gender;
- Number of consultant agreements awarded and the dollar value; Number of female and minority-owned firms and the dollar value;

PROGRAM AREA MONITORING AND REVIEW PROCESS

Design (Project Development), continued

- Efforts made to ensure an equal opportunity for participation of female and minority firms in obtaining consultant/subconsultant agreements and construction contracts;
- Potential concerns/barriers for female and minority consultants (i.e. licensing, pre-qualification, lack of subconsulting opportunities);
- Number of public hearings/information meetings held during the design phase and in what locations; percentage of female and minority participation;
- Status of any Title VI complaints received regarding the design process;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

PROGRAM AREA MONITORING AND REVIEW PROCESS

Right-of-Way

The Program Area Coordinator (PAC) for the Right-of-Way section has the primary responsibility for assuring that the Right-of-Way appraisal and negotiation functions and the results of those activities are executed in accordance with Title VI. This process includes property appraisals, negotiations with property owners, acquisition of properties, and relocation of people and businesses.

Compliance Monitoring - PAC

- Ensure the inclusion of Title VI provisions in all realtor, fee appraiser, and negotiator contracts;
- Monitor diversification in the use of fee appraisers; Monitor use of staff appraisers and consultants from the approved fee appraiser list;
- Monitor efforts made to ensure that female and minority appraisers are provided an equal opportunity to participate in the bid process;
- Ensure equitable treatment of all businesses and persons displaced by highway projects, regardless of race, color, age, gender, national origin or disability;
- Monitor efforts taken to overcome language barriers in all phases of the right-of-way process;
- Ensure that internal procedures are reviewed and updated as necessary to maintain Title VI compliance during all phases of the right-of-way process;
- Monitor and report right-of-way accomplishments and problem areas.

Annual Reviewing - EEO Officer/EEO Specialist

The following items in the Right-of-Way area will be reviewed and reported to FHWA annually in the Title VI Assurances Update:

- Composition of the Right-of-Way section workforce by position title, race, and gender;
- Number of consultant fee appraisers utilized; Number of female and minority consultant fee appraisers; Efforts made to ensure an equal opportunity for participation of female and minority consulting firms;
- Number of staff appraisers utilized; Number of female and minority staff appraisers; Efforts made to ensure an equal opportunity for the participation of females and minorities;

PROGRAM AREA MONITORING AND REVIEW PROCESS

Right-of-Way, continued

- Number of negotiators utilized; Number of female and minority negotiators; Efforts made to ensure an equal opportunity for participation of females and minorities;
- Efforts made to provide information in the appropriate language and/or number of times interpreters were used;
- Number of relocations involving female, minority, elderly, low-income and disabled persons;
- Concerns raised, if any, by female, minority, elderly, low-income, and disabled persons who were relocated and what action was taken to address concerns;
- Number of relocation assistance contracts awarded; Number of female or minority firms utilized and efforts made to provide an equal opportunity for female and minority firms to participate in bidding;
- Status of any Title VI complaints received regarding the right-of-way process, i.e. appraisals, negotiations, relocation assistance and payments;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

PROGRAM AREA MONITORING AND REVIEW PROCESS

Construction

The Program Area Coordinator (PAC) for Construction Administration has the primary responsibility for assuring that highway contracting procedures are executed in accordance with Title VI. The EEO Officer works both with Construction Administration and the EEO Office's Contract Compliance Officer (CCO) for the external program areas. The CCO monitors contractor compliance, the Disadvantaged Business Enterprise Program, and Training Special Provisions.

Compliance Monitoring - PAC

- Monitoring of district residencies to ensure that subcontracts contain the appropriate Title VI contract provisions;
- Administer and enforce the terms of the construction contract in a nondiscriminatory manner;
- Oversee the monitoring of construction project work to ensure compliance with contract plans, specifications and civil rights special provisions;
- Ensure that policies and procedures for monitoring construction activity are applied in a nondiscriminatory manner;
- Monitor construction accomplishments and problem areas;

Compliance Monitoring - CCO

- Develop procedures to incorporate the appropriate Training Special Provisions into all prime and subcontractor contracts;
- Ensure that all provisions of the DBE Program Plan are being implemented with respect to federal-aid construction contracting and subcontracting;
- Establish the appropriate level of DBE participation on federal-aid highway construction projects;
- Identify areas of concern or any barriers to equal participation by female and minority firms on construction projects (i.e. bonding, cash flow);
- Establish procedures to review and monitor contractors and subcontractors for compliance with Title VI and with contract special provisions utilizing appropriate district staff; Review corrective action plans prepared by contractors when areas of deficiency with regard to Title VI/EEO requirements are identified;
- Report in the annual Title VI Assurances Update, Part 1, on any construction contract procedure complaints with potential Title VI implications.

PROGRAM AREA MONITORING AND REVIEW PROCESS

Construction, continued

Annual Reviewing - EEO Officer/EEO Specialist

The following items in the area of Construction Administration will be reviewed and reported to FHWA annually in the Title VI Assurances Update:

- Composition of the Construction section workforce by position title, race, and gender;
- Number of construction contracts awarded and the dollar amount; Number of female and minority firms utilized and the dollar amount of the award;
- Number of contractors defaulting on contracts;
- Number of DBE contractors or subcontractors defaulting on contracts;
- Status of any Title VI construction complaints received during the reporting period;
- Any significant activities accomplished by the PAC or CCO during the review period;
- Any significant actions planned for the ensuing year.

PROGRAM AREA MONITORING AND REVIEW PROCESS

Research

The Program Area Coordinator (PAC) for the Research section has the primary responsibility for assuring that all aspects of transportation-related research projects are executed in accordance with Title VI. The process includes consultant/university selection and the diversification of research participants.

Compliance Monitoring - PAC

- Ensure that the appropriate Title VI provisions are contained in the terms of all research agreements;
- Monitor diversification in the selection of universities and consultants;
- Ensure equal opportunity for female and minority-owned consultant firms to compete for and participate in research contracts;
- Monitor the utilization of female and minority students on research projects by the contract universities;
- Monitor research accomplishments and problem areas.

Annual Reviewing - EEO Officer/EEO Specialist

The following items in the Research area will be reviewed and reported to FHWA annually in the Title VI Assurances Update:

- Composition of the Research section workforce by position title, race and gender;
- Number of research agreements currently underway by universities/and or consultants and the dollar amount;
- Efforts made to ensure equal opportunity for participation of female and minority consultants in obtaining research contracts;
- Possible concerns/barriers for female and minority consulting firms in obtaining research contracts;
- Amount of federal (SPR) funds spent on contract research;
- Actions taken to encourage universities to utilize female and minority student participants on highway research projects;
- Percentage of female and minority participation in research projects;
- Status of any Title VI complaints received regarding research projects;
- Any significant accomplishments made during the review period;

PROGRAM AREA MONITORING AND REVIEW PROCESS

Research, continued

- Any significant actions planned for the ensuing year.

PROGRAM AREA MONITORING AND REVIEW PROCESS

Metropolitan Planning Organizations

The Metropolitan Planning Organizations (MPOs) are responsible for the transportation planning process within their urbanized areas. Each MPO develops a 3-year Transportation Improvement Program (TIP), a long-range transportation plan, and develops and implements an annual Unified Planning Work Program (UPWP). The Program Area Coordinator (PAC) for the Division of Transportation Planning assists the MPOs in the transportation planning activities that require Title VI compliance and advises them on Title VI compliance issues.

The following are the MPOs for the state of Idaho:

- Community Planning Association of Southwest Idaho (COMPASS)
- Bannock Planning Organization (BPO)
- Bonneville Metropolitan Planning Organization (BMPO)
- Kootenai Metropolitan Planning Organization (KMPO)
- Lewis-Clark Valley Metropolitan Planning Organization (LCVMPO)

Compliance Monitoring - Division of Transportation Planning PAC

- Monitor overall strategies and goals of the transportation planning process to ensure Title VI compliance; Monitor the utilization of demographic information to identify minority and low-income populations and examine the distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor the service equities of the planning data collection and analyses for impacts on different socio-economic groups;
- Monitor the public involvement processes to improve effectiveness and reduce participation barriers for minority and low-income populations;
- Monitor Environmental Justice (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Monitor compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of transportation planning processes for those in the population confronted with language barriers;
- Ensure that female and minority-owned firms have an equal opportunity to participate in the consultant selection phase of the transportation planning process;
- Monitor MPO accomplishments and problem areas.

PROGRAM AREA MONITORING AND REVIEW PROCESS

Metropolitan Planning Organizations, continued

Annual Reviewing - EEO Officer/EEO Specialist/Division of Planning PAC

The information listed below is obtained annually from each MPO and reviewed for compliance with Title VI. An on-site review is conducted with two MPOs annually, establishing a three-year review cycle.

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Whether the MPO has developed a demographic profile of their metropolitan planning area that includes identification of minority and low-income populations;
- Whether the MPO has developed a process to seek to identify the needs of minority and low-income populations and to use demographic information to assess the distribution of benefits across these groups;
- What process is in place to assess the benefits/burdens of transportation system investments on minority and low-income populations on an analytic basis and whether an appropriate data source and tools are used to support the analysis;
- Whether a public involvement strategy for engaging minority and low-income populations in transportation decision-making is in place and what steps are being taken to reduce any participation barriers that have been identified;
- Determine if the public involvement process is routinely evaluated and whether there have been efforts made to improve effectiveness, especially with regard to minority and low-income populations and any other affected groups;
- What efforts have been made to engage minority and low-income populations in the public outreach effort and whether the public outreach effort utilizes media targeted to minority and low-income groups;
- What procedure the MPO has established for using issues/concerns raised by minority and low-income populations as well as other affected individuals and groups in the decision-making process;
- Composition of the MPO's workforce by position title, race and gender;
- The names, race and gender of the individuals on the MPO's Board of Directors and what criteria has been established for their selection and retention;
- Number of consultant agreements awarded and the dollar amount; Number of female and minority firms and the dollar amount;

PROGRAM AREA MONITORING AND REVIEW PROCESS

Metropolitan Planning Organizations, continued

- Efforts made to ensure an equal opportunity for female and minority consulting firms to participate in the consultant selection process;
- Number of hearings, the location, and the times of day the hearings were held; The percentage of female and minority participation at the hearings;
- Number of public information meetings/open houses held; Percentage of female and minority participation;
- Efforts made to take Environmental Justice concerns into consideration in the transportation planning process;
- Whether there was any training received regarding Title VI or Environmental Justice;
- Review of the MPO internal complaint procedure/policy;
- Status of any Title VI complaints received regarding any of the transportation planning and public involvement processes;
- Any significant Title VI activities or accomplishments made during the review period.
- Any significant Title VI activities or actions planned for the ensuing year.

V. NONDISCRIMINATION COMPLAINT PROCEDURES FOR FEDERALLY-ASSISTED PROGRAMS OR ACTIVITIES

These procedures cover all complaints under the following acts: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act (ADA) of 1990. Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any ITD service, program, or activity receiving Federal financial assistance, and believes the discrimination is based on race, color, national origin, gender, age, disability, economic status or Limited English Proficiency. All allegations, regardless of where they are reported, shall be immediately forwarded to the EEO Officer or the EEO Manager.

Complaint Reporting

If the complainant elects to file a formal complaint with ITD, it must be submitted in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complainant is strongly encouraged to bring any incidents of discrimination to the attention of the department as soon as possible after any such conduct occurs. Individuals may also file complaints directly with the U.S. Department of Transportation (USDOT) and the Federal Highway Administration (FHWA), within the 180 day time frame.

Investigations

All allegations of discrimination will be taken seriously and investigated in a timely manner. (Any Title VI complaints against ITD will be forwarded to and investigated by FHWA). Confidentiality will be maintained to the greatest extent possible. The EEO Officer or other qualified investigator, following an investigative plan, will gather all relevant information in a fair and impartial manner and will submit a report of findings to the EEO Manager. This report will include the nature of the complaint, remedy sought, and a summary of the investigative findings and activities. The EEO Manager will analyze the Investigative Summary Report and prepare a Statement of Agency Decision, in consultation with the Director if necessary, reflecting the department's final determination.

The complainant and appropriate managers shall receive written notification as to the department's decision. If the finding is adverse to the complainant, they will also be advised of their avenues for appeal. Copies of all Title VI complaints and investigative reports will be sent to FHWA within 60 days of receipt of the complaint.

Investigation files are confidential and will be maintained by the EEO Office. The contents of such files will only be disclosed to ITD personnel on a need-to-know basis and to others in accordance with state law. Files will be retained in accordance with ITD's records retention schedule and federal guidelines.

VI. ACCOMPLISHMENTS

The items listed below represent the significant accomplishments made during FY02 by the EEO Office as well as other significant accomplishments or events which impact ITD's Title VI review process:

A new, updated Title VI Plan was drafted for FHWA approval. The Plan is intended to replace ITD's current Title VI Plan, which was last revised in 1996.

The designated Title VI program areas were revised to those recommended by FHWA. They are: Planning, Project Development, Right-of-Way, Construction and Research. The areas of Environmental and Design, which were previously designated program areas, are now included as components under the Project Development program area. Training, which is an individual program area under the current plan, has been included as a component of each of the program areas designated in the new plan.

The ITD areas previously referred to as "functional areas", are now designated as program areas. Accordingly, Functional Area Coordinators (FAC) are now referred to as Program Area Coordinators (PAC), consistent with Title VI guidelines and references.

The review process for the program areas and the MPOs was revised. Questionnaires were revised in order to obtain more detailed information as per FHWA guidelines.

After being advised that Idaho has two newly formed Metropolitan Planning Organizations, each was added to the Title VI Plan so as to be included in the review process. The new MPOs are located in the Coeur d'Alene and Lewiston urbanized areas. One of the existing MPOs, Community Planning Organization of Southwest Idaho, was expanded to include the Nampa Urbanized Area as part of its jurisdiction.

All program areas and original MPOs were reviewed to determine the effectiveness of their activities. No issues were identified or recommendations made.

The ITD Title VI Policy Statement was revised to incorporate Environmental Justice and Limited English Proficiency directives with the addition of the following language: "The department also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency."

There were no Title VI-related complaints filed.

VII. ANNUAL WORK PLAN

The EEO Officer, along with the EEO Specialist, will conduct scheduled reviews in each program area to ensure compliance with Title VI.

The EEO Office will work to prepare/create a comprehensive Title VI information packet for distribution to the newly created MPOs. It will provide them with information that outlines their responsibilities under Title VI and give them the appropriate authority references. The information packet will also include an explanation of the review process by ITD, copies of sample policies, plans and complaint procedures and will identify ITD Program Area Coordinators and EEO Office contact information.

Our intent is to establish a good working relationship with the new and existing MPOs by being a resource to them for Title VI questions and partnering with them to ensure that their activities comply with Title VI.

Once the new Title VI plan is FHWA-approved, copies of the plan will be distributed both internally and externally as indicated on Page 2 of the plan.

Activities completed during the current year as well as reviews planned for the following year will be reported in the annual Title VI Assurances Update.

VIII. TITLE VI ASSURANCES

The State Title VI Assurances and appendices are included as Exhibit B.

IX. STATE PROCEDURES, MANUALS, AND DIRECTIVES APPLICABLE TO FEDERAL-AID HIGHWAY PROGRAMS AND TITLE VI

Manuals, plans, policies, programs, laws, regulations, executive orders and procedures establishing rules and guidelines for implementing Title VI are as follows:

- Human Resource Services Manual
- Construction Administration Manual
- Right-of-Way Manual and supplemental publications
- Design Manual CD-ROM
- Research Manual
- ITD Guidebook to Public Involvement
- FHWA Title VI Program Guidelines for Federal-Aid Recipients
- Statewide Transportation Improvement Program (STIP)
- Standard Specifications for Highway Construction
- Required Contract Provisions/Federal-Aid Contracts (FHWA-1273)
- Contract Compliance Plan
- DBE Plan
- Affirmative Action Plan
- Board Policy B-18-06, Employee Education and Training
- Administrative Policy A-18-06, Employee Education and Training
- Board Policy B-18-07, Code of Fair Employment Practices
- Administrative Policy A-18-07, Code of Fair Employment Practices
- Board Policy B-18-09, Equal Employment Opportunity/Affirmative Action
- Administrative Policy A-18-09, Equal Employment Opportunity/Affirmative Action
- 49 CFR 21 (DOT Title VI Regulations)
- DOT Order 1050.2 (Standard Title VI Assurances)
- 23 CFR 200 (FHWA Title VI Program Statutes)
- 23 USC 109(h)
- Executive Order 12250 (DOJ Leadership and Coordination of Nondiscrimination Laws)
- Executive Order 12898 (Environmental Justice)
- Executive Order 13166 (Limited English Proficiency)
- Title VI of the Civil Rights Act of 1964 (42 USC 2000)
- Title VIII of the Civil Rights Act of 1968
- Federal-Aid Highway Transportation Act of 1973 (23 USC 324)
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Civil Rights Restoration Act of 1987

X. DEFINITION OF TERMS

Affirmative Action: A good faith effort to eliminate past and present discrimination and to ensure that future discriminatory practices do not occur. Actions aimed at addressing the under-representation of minorities and females.

Beneficiary: An individual and or/entity that directly or indirectly receives an advantage through the operation of a federal program; however, they do not enter into any formal contract or agreement with the federal government where compliance with Title VI is a condition of receiving such assistance.

Categorical Exclusion: A technical exclusion for projects that do not result in significant environmental impacts.

Disparate Impact: Discrimination which occurs as a result of a neutral procedure or practice, and such practice lacks a “substantial legitimate justification.” The focus is on the consequences of a recipient’s practices rather than the recipient’s intent.

Discrimination/Disparate Treatment: Discrimination which occurs when similarly situated persons are treated differently because of their race, color, national origin, gender, disability, or age, and the decision maker was aware of the complainant’s race, color, national origin, gender, disability, or age, and decisions were made (at least in part) because of one or more of those factors.

MPO: Metropolitan Planning Organization (considered a subrecipient).

Minority: A person who is a citizen or lawful permanent resident of the United States and who is:

- Black - a person having origins in any of the black racial groups of Africa.
- Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- Asian or Pacific Islander - a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands.
- American Indian or Alaskan Native - a person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
- White - a female having origins in any of the original peoples of Europe, North Africa, or the Middle East.

Recipient: An individual and/or entity that receives federal financial assistance and operates a program and/or activity.

DEFINITION OF TERMS, continued

SEE: Social, Economic, and Environmental – A process to analyze the SEE impacts and effects must be considered during the planning process. The goal of the SEE process is to develop a complete understanding of the existing and future environmental conditions and the possible effects of a proposed project in order to make the best project decision in terms of meeting the intended transportation needs and the goals of an area or community, and for protection and enhancement of the environment.

STIP: A three year, Statewide Transportation Improvement Program that includes ITD's program as well as the Transportation Improvement Programs prepared by the Metropolitan Planning Organizations in Idaho.

Subrecipient: A non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.

TIP: A three year, Transportation Improvement Program prepared by a Metropolitan Planning Organization.

XI. EXHIBITS

- A. Organizational Charts
 - ITD Division of Administrative Services
 - EEO Office
- B. Standard DOT Title VI Assurances
 - Appendix A
 - Appendix B
 - Appendix C
 - 49 CFR 21.7(a) (1) and (2)

EXHIBIT B

STANDARD DOT TITLE VI ASSURANCES

The State of Idaho (hereinafter referred to as the “Recipient”) HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d - 42USC 2000d-7 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”), Executive Order 12898 - Environmental Justice (hereinafter referred to as “EJ”), Executive Order 13166 - Limited English Proficiency (hereinafter referred to as “LEP”) and other pertinent directives, to the end that in accordance with the Act, Regulations, Executive Orders and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, gender, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-Aid Highway Program:

1. That the Recipient agrees that each “program” and each “facility” as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted, or will be (with regard to a “facility”) operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal-Aid Highway Program and, in adapted form in all proposals for negotiated agreements:

The **Idaho Transportation Department** in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-7 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to the advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, gender, age or disability in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the clauses of Appendix B of this assurance shall be included as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

EXHIBIT B, continued

6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Federal-Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear herein are authorized to sign this Assurance on behalf of the Recipient.

Attachments: Signatures
Appendices A, B, and C
DOT Title VI Regulations

EXHIBIT B, continued

STANDARD DOT TITLE VI ASSURANCES
IDAHO TRANSPORTATION DEPARTMENT

David S. Ekern, Director

Date

Susan K. Simmons, Division Administrator
Division of Administration

Date

Robert J. Martin, Division Administrator
Division of Aeronautics

Date

Jimmy D. Ross, Division Administrator
Division of Highways

Date

Morris W. Detmar, Division Administrator
Division of Motor Vehicles

Date

Laurence H. Falkner, Division Administrator
Division of Public Transportation

Date

Charles M. Rountree, Division Administrator
Division of Transportation Planning

Date

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor"), agrees as follows:

1. Compliance with Regulations:

The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination:

The Contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, religion, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, including Procurements of Materials and Equipment:

In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor, of the Contractor's obligations of this contract and Regulations relative to nondiscrimination on the grounds of race, color, religion, sex, or national origin.

4. Information and Reports:

The Contractor shall provide all information and reports required by Regulations and/or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Idaho Transportation Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Idaho Transportation Department or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance:

In the event the Contractor is in noncompliance with the nondiscrimination provision of this contract, the Idaho Transportation Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withhold progress payments until it is determined that the contractor is found in compliance;

APPENDIX A, continued

- b. Suspend the contract, in whole or in part, until the contractor or subcontractor is found to be in compliance with no progress payment being made during this time and no time extension made;
- c. Cancel or terminate the contract for cause in accordance with section 108.08 of the Contract Specifications;
- d. Assess against the contractor's final payment on this contract or any progress payments on current or future Idaho Federal-Aid projects an administrative remedy by reducing the final payment or future progress payment in an amount equal to 10% of this contract or \$7,700, whichever is less.

6. Incorporation of the Provisions:

The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to subcontractor or procurement as the Idaho Transportation Department or Federal Highway Administration may direct as a means of enforcing the provisions, including sanctions for noncompliance, provided, however, that in the event a Contractor becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the Idaho Transportation Department to enter into such litigation to protect the interests of the State, and in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the state of Idaho will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC, 2000d to 2000d-7), does hereby remise, release, quit claim, and convey unto the state of Idaho all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

HABEDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the state of Idaho, and its successors forever, subject, however, to the covenant, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the state of Idaho, its successors and assigns.

The state of Idaho, in consideration of the conveyance of said lands and interest in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that: (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed; and* (2) that the state of Idaho shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended; and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation, and its assigns as such interest existed prior to the deed.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the state of Idaho, pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the even facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

INCLUDE IN LICENSES, LEASES, PERMITS, ETC.*

That in event of breach of any of the above nondiscrimination covenants, the state of Idaho shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

INCLUDE IN DEED*

That in the event of breach of any of the above nondiscrimination covenants, the state of Idaho, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the state of Idaho and its assigns.

The following shall be included in all deeds, licenses, leases permits, or similar instruments entered into by the state of Idaho, pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C, continued

the construction of any improvements on, over or under such land the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[INCLUDE IN LICENSES, LEASES, PERMITS, ETC.]*

That in event of breach of any of the above nondiscrimination covenants, the state of Idaho shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[INCLUDE IN DEEDS]*

That in the event of breach of any of the above nondiscrimination covenants, the state of Idaho, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the state of Idaho and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

TITLE VI ASSURANCES
49 CFR 21.7(a) (1) and (2)

§ 21.7 Assurances required.

(a) *General.* (1) Every application for Federal financial assistance to which this part applies, except an application to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every award of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. The Secretary shall specify the form of the foregoing assurances, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case where Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved with Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the Secretary, such a condition and right of reverter is appropriate to the statute under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Secretary may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.